

110TH CONGRESS
2D SESSION

H. R. 6599

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of

1 any money in the Treasury not otherwise appropriated,
2 for military construction, the Department of Veterans Af-
3 fairs, and related agencies for the fiscal year ending Sep-
4 tember 30, 2009, and for other purposes, namely:

5 TITLE I

6 DEPARTMENT OF DEFENSE

7 MILITARY CONSTRUCTION, ARMY

8 (INCLUDING RESCISSIONS OF FUNDS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Army as
12 currently authorized by law, including personnel in the
13 Army Corps of Engineers and other personal services nec-
14 essary for the purposes of this appropriation, and for con-
15 struction and operation of facilities in support of the func-
16 tions of the Commander in Chief, \$4,801,536,000, to re-
17 main available until September 30, 2013: *Provided*, That
18 of this amount, not to exceed \$175,823,000 shall be avail-
19 able for study, planning, design, architect and engineer
20 services, and host nation support, as authorized by law,
21 unless the Secretary of Defense determines that additional
22 obligations are necessary for such purposes and notifies
23 the Committees on Appropriations of both Houses of Con-
24 gress of the determination and the reasons therefor: *Pro-*
25 *vided further*, That the amount appropriated in this para-

1 graph shall be for the projects and activities, and in the
2 amounts, specified under the headings “Army” in the
3 table entitled “Military Construction” in the report of the
4 Committee on Appropriations of the House of Representa-
5 tives to accompany this bill: *Provided further*, That of the
6 funds appropriated for “Military Construction, Army”
7 under Public Law 110–5, \$34,720,000 are hereby re-
8 scinded: *Provided further*, That of the funds appropriated
9 for “Military Construction, Army” under Public Law 110–
10 161, \$16,600,000 are hereby rescinded.

11 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

12 For acquisition, construction, installation, and equip-
13 ment of temporary or permanent public works, naval in-
14 stallations, facilities, and real property for the Navy and
15 Marine Corps as currently authorized by law, including
16 personnel in the Naval Facilities Engineering Command
17 and other personal services necessary for the purposes of
18 this appropriation, \$3,280,809,000, to remain available
19 until September 30, 2013: *Provided*, That of this amount,
20 not to exceed \$247,128,000 shall be available for study,
21 planning, design, and architect and engineer services, as
22 authorized by law, unless the Secretary of Defense deter-
23 mines that additional obligations are necessary for such
24 purposes and notifies the Committees on Appropriations
25 of both Houses of Congress of the determination and the

1 reasons therefor: *Provided further*, That the amount ap-
2 propriated in this paragraph shall be for the projects and
3 activities, and in the amounts, specified under the head-
4 ings “Navy” in the table entitled “Military Construction”
5 in the report of the Committee on Appropriations of the
6 House of Representatives to accompany this bill.

7 MILITARY CONSTRUCTION, AIR FORCE

8 (INCLUDING RESCISSIONS OF FUNDS)

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Air Force
12 as currently authorized by law, \$976,524,000, to remain
13 available until September 30, 2013: *Provided*, That of this
14 amount, not to exceed \$77,314,000 shall be available for
15 study, planning, design, and architect and engineer serv-
16 ices, as authorized by law, unless the Secretary of Defense
17 determines that additional obligations are necessary for
18 such purposes and notifies the Committees on Appropria-
19 tions of both Houses of Congress of the determination and
20 the reasons therefor: *Provided further*, That the amount
21 appropriated in this paragraph shall be for the projects
22 and activities, and in the amounts, specified under the
23 headings “Air Force” in the table entitled “Military Con-
24 struction” in the report of the Committee on Appropria-
25 tions of the House of Representatives to accompany this

1 bill: *Provided further*, That of the funds appropriated for
2 “Military Construction, Air Force” under Public Law
3 109–114, \$1,359,000 are hereby rescinded: *Provided fur-*
4 *ther*, That of the funds appropriated for “Military Con-
5 struction, Air Force” under Public Law 110–5,
6 \$3,581,000 are hereby rescinded: *Provided further*, That
7 of the funds appropriated for “Military Construction, Air
8 Force” under Public Law 110–161, \$12,741,000 are here-
9 by rescinded.

10 MILITARY CONSTRUCTION, DEFENSE-WIDE

11 (INCLUDING TRANSFER AND RESCISSION OF FUNDS)

12 For acquisition, construction, installation, and equip-
13 ment of temporary or permanent public works, installa-
14 tions, facilities, and real property for activities and agen-
15 cies of the Department of Defense (other than the military
16 departments), as currently authorized by law,
17 \$1,614,450,000, to remain available until September 30,
18 2013: *Provided*, That such amounts of this appropriation
19 as may be determined by the Secretary of Defense may
20 be transferred to such appropriations of the Department
21 of Defense available for military construction or family
22 housing as the Secretary may designate, to be merged with
23 and to be available for the same purposes, and for the
24 same time period, as the appropriation or fund to which
25 transferred: *Provided further*, That of the amount appro-

1 priated, not to exceed \$211,606,000 shall be available for
2 study, planning, design, and architect and engineer serv-
3 ices, as authorized by law, unless the Secretary of Defense
4 determines that additional obligations are necessary for
5 such purposes and notifies the Committees on Appropria-
6 tions of both Houses of Congress of the determination and
7 the reasons therefor: *Provided further*, That the amount
8 appropriated in this paragraph shall be for the projects
9 and activities, and in the amounts, specified under the
10 headings “Defense-Wide” in the table entitled “Military
11 Construction” in the report of the Committee on Appro-
12 priations of the House of Representatives to accompany
13 this bill: *Provided further*, That of the funds appropriated
14 for “Military Construction, Defense-Wide” under Public
15 Law 108–324, \$3,589,000 are hereby rescinded.

16 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

17 For construction, acquisition, expansion, rehabilita-
18 tion, and conversion of facilities for the training and ad-
19 ministration of the Army National Guard, and contribu-
20 tions therefor, as authorized by chapter 1803 of title 10,
21 United States Code, and Military Construction Authoriza-
22 tion Acts, \$628,668,000, to remain available until Sep-
23 tember 30, 2013: *Provided*, That of the amount appro-
24 priated, not to exceed \$50,563,000 shall be available for
25 study, planning, design, and architect and engineer serv-

ices, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor: *Provided further*, That the amount appropriated in this paragraph shall be for the projects and activities, and in the amounts, specified under the headings “Army National Guard” in the table entitled “Military Construction” in the report of the Committee on Appropriations of the House of Representatives to accompany this bill.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$142,809,000, to remain available until September 30, 2013: *Provided*, That of the amount appropriated, not to exceed \$10,209,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the

1 reasons therefor: *Provided further*, That the amount ap-
2 propriated in this paragraph shall be for the projects and
3 activities, and in the amounts, specified under the head-
4 ings “Air National Guard” in the table entitled “Military
5 Construction” in the report of the Committee on Appro-
6 priations of the House of Representatives to accompany
7 this bill.

8 MILITARY CONSTRUCTION, ARMY RESERVE

9 For construction, acquisition, expansion, rehabilita-
10 tion, and conversion of facilities for the training and ad-
11 ministration of the Army Reserve as authorized by chapter
12 1803 of title 10, United States Code, and Military Con-
13 struction Authorization Acts, \$282,607,000, to remain
14 available until September 30, 2013: *Provided*, That of the
15 amount appropriated, not to exceed \$14,883,000 shall be
16 available for study, planning, design, and architect and en-
17 gineer services, as authorized by law, unless the Secretary
18 of Defense determines that additional obligations are nec-
19 essary for such purposes and notifies the Committees on
20 Appropriations of both Houses of Congress of the deter-
21 mination and the reasons therefor: *Provided further*, That
22 the amount appropriated in this paragraph shall be for
23 the projects and activities, and in the amounts, specified
24 under the headings “Army Reserve” in the table entitled
25 “Military Construction” in the report of the Committee

1 on Appropriations of the House of Representatives to ac-
2 company this bill.

3 MILITARY CONSTRUCTION, NAVY RESERVE

4 For construction, acquisition, expansion, rehabilita-
5 tion, and conversion of facilities for the training and ad-
6 ministration of the reserve components of the Navy and
7 Marine Corps as authorized by chapter 1803 of title 10,
8 United States Code, and Military Construction Authoriza-
9 tion Acts, \$57,045,000, to remain available until Sep-
10 tember 30, 2013: *Provided*, That of the amount appro-
11 priated, not to exceed \$2,045,000 shall be available for
12 study, planning, design, and architect and engineer serv-
13 ices, as authorized by law, unless the Secretary of Defense
14 determines that additional obligations are necessary for
15 such purposes and notifies the Committees on Appropria-
16 tions of both Houses of Congress of the determination and
17 the reasons therefor: *Provided further*, That the amount
18 appropriated in this paragraph shall be for the projects
19 and activities, and in the amounts, specified under the
20 headings “Navy Reserve” in the table entitled “Military
21 Construction” in the report of the Committee on Appro-
22 priations of the House of Representatives to accompany
23 this bill.

1 MILITARY CONSTRUCTION, AIR FORCE RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Air Force Reserve as authorized by
5 chapter 1803 of title 10, United States Code, and Military
6 Construction Authorization Acts, \$30,018,000, to remain
7 available until September 30, 2013: *Provided*, That of the
8 amount appropriated, not to exceed \$5,675,000 shall be
9 available for study, planning, design, and architect and en-
10 gineer services, as authorized by law, unless the Secretary
11 of Defense determines that additional obligations are nec-
12 essary for such purposes and notifies the Committees on
13 Appropriations of both Houses of Congress of the deter-
14 mination and the reasons therefor: *Provided further*, That
15 the amount appropriated in this paragraph shall be for
16 the projects and activities, and in the amounts, specified
17 under the headings “Air Force Reserve” in the table enti-
18 tled “Military Construction” in the report of the Com-
19 mittee on Appropriations of the House of Representatives
20 to accompany this bill.

21 NORTH ATLANTIC TREATY ORGANIZATION

22 SECURITY INVESTMENT PROGRAM

23 For the United States share of the cost of the North
24 Atlantic Treaty Organization Security Investment Pro-
25 gram for the acquisition and construction of military fa-

8 For expenses of family housing for the Army for con-
9 struction, including acquisition, replacement, addition, ex-
10 pansion, extension, and alteration, as authorized by law,
11 \$646,580,000, to remain available until September 30,
12 2013: *Provided*, That the amount appropriated in this
13 paragraph shall be for the projects and activities, and in
14 the amounts, specified under the heading “Family Hous-
15 ing Construction, Army” in the table entitled “Military
16 Construction” in the report of the Committee on Appro-
17 priations of the House of Representatives to accompany
18 this bill.

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$716,110,000.

1 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
2 CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for construction, including acquisition, replace-
5 ment, addition, expansion, extension, and alteration, as
6 authorized by law, \$382,778,000, to remain available until
7 September 30, 2013: *Provided*, That the amount appro-
8 priated in this paragraph shall be for the projects and ac-
9 tivities, and in the amounts, specified under the heading
10 “Family Housing Construction, Navy and Marine Corps”
11 in the table entitled “Military Construction” in the report
12 of the Committee on Appropriations of the House of Rep-
13 resentatives to accompany this bill.

14 FAMILY HOUSING OPERATION AND MAINTENANCE,
15 NAVY AND MARINE CORPS

16 For expenses of family housing for the Navy and Ma-
17 rine Corps for operation and maintenance, including debt
18 payment, leasing, minor construction, principal and inter-
19 est charges, and insurance premiums, as authorized by
20 law, \$376,062,000.

21 FAMILY HOUSING CONSTRUCTION, AIR FORCE

22 For expenses of family housing for the Air Force for
23 construction, including acquisition, replacement, addition,
24 expansion, extension, and alteration, as authorized by law,
25 \$395,879,000, to remain available until September 30,

1 2013: *Provided*, That the amount appropriated in this
 2 paragraph shall be for the projects and activities, and in
 3 the amounts, specified under the heading “Family Hous-
 4 ing Construction, Air Force” in the table entitled “Mili-
 5 tary Construction” in the report of the Committee on Ap-
 6 propriations of the House of Representatives to accom-
 7 pany this bill.

8 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
 9 FORCE

10 For expenses of family housing for the Air Force for
 11 operation and maintenance, including debt payment, leas-
 12 ing, minor construction, principal and interest charges,
 13 and insurance premiums, as authorized by law,
 14 \$594,465,000.

15 FAMILY HOUSING OPERATION AND MAINTENANCE,
 16 DEFENSE-WIDE

17 For expenses of family housing for the activities and
 18 agencies of the Department of Defense (other than the
 19 military departments) for operation and maintenance,
 20 leasing, and minor construction, as authorized by law,
 21 \$49,231,000.

22 DEPARTMENT OF DEFENSE FAMILY HOUSING
 23 IMPROVEMENT FUND

24 For the Department of Defense Family Housing Im-
 25 provement Fund, \$850,000, to remain available until ex-

1 pending, for family housing initiatives undertaken pursu-
2 ant to section 2883 of title 10, United States Code, pro-
3 viding alternative means of acquiring and improving mili-
4 tary family housing and supporting facilities.

5 HOMEOWNERS ASSISTANCE FUND

6 For the Homeowners Assistance Fund established by
7 section 1013 of the Demonstration Cities and Metropoli-
8 tan Development Act of 1966, as amended (42 U.S.C.
9 3374), \$4,500,000, to remain available until expended.

10 CHEMICAL DEMILITARIZATION CONSTRUCTION,

11 DEFENSE-WIDE

12 (INCLUDING TRANSFER OF FUNDS)

13 For expenses of construction, not otherwise provided
14 for, necessary for the destruction of the United States
15 stockpile of lethal chemical agents and munitions in ac-
16 cordance with section 1412 of the Department of Defense
17 Authorization Act, 1986 (50 U.S.C. 1521), and for the
18 destruction of other chemical warfare materials that are
19 not in the chemical weapon stockpile, as currently author-
20 ized by law, \$134,278,000, to remain available until Sep-
21 tember 30, 2013: *Provided*, That such amounts of this ap-
22 propriation as may be determined by the Secretary of De-
23 fense may be transferred to such appropriations of the De-
24 partment of Defense available for military construction as
25 the Secretary may designate, to be merged with and to

1 be available for the same purposes, and for the same time
 2 period, as the appropriation to which transferred: *Pro-*
 3 *vided further*, That the amount appropriated in this para-
 4 graph shall be for the projects and activities, and in the
 5 amounts, specified in the table entitled “Chemical Demili-
 6 tarization Construction” in the report of the Committee
 7 on Appropriations of the House of Representatives to ac-
 8 company this bill.

9 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

10 1990

11 For deposit into the Department of Defense Base
 12 Closure Account 1990, established by section 2906(a)(1)
 13 of the Defense Base Closure and Realignment Act of 1990
 14 (10 U.S.C. 2687 note), \$473,377,000, to remain available
 15 until expended.

16 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

17 2005

18 For deposit into the Department of Defense Base
 19 Closure Account 2005, established by section 2906A(a)(1)
 20 of the Defense Base Closure and Realignment Act of 1990
 21 (10 U.S.C. 2687 note), \$9,065,386,000, to remain avail-
 22 able until expended: *Provided*, That the Department of
 23 Defense shall notify the Committees on Appropriations of
 24 both Houses of Congress 14 days prior to obligating an
 25 amount for a construction project that exceeds or reduces

1 the amount identified for that project in the most recently
2 submitted budget request for this account by 20 percent
3 or \$2,000,000, whichever is less: *Provided further*, That
4 the previous proviso shall not apply to projects costing less
5 than \$5,000,000, except for those projects not previously
6 identified in any budget submission for this account and
7 exceeding the minor construction threshold under 10
8 U.S.C. 2805.

9 ADMINISTRATIVE PROVISIONS

10 SEC. 101. None of the funds made available in this
11 title shall be expended for payments under a cost-plus-a-
12 fixed-fee contract for construction, where cost estimates
13 exceed \$25,000, to be performed within the United States,
14 except Alaska, without the specific approval in writing of
15 the Secretary of Defense setting forth the reasons there-
16 for.

17 SEC. 102. Funds made available in this title for con-
18 struction shall be available for hire of passenger motor ve-
19 hicles.

20 SEC. 103. Funds made available in this title for con-
21 struction may be used for advances to the Federal High-
22 way Administration, Department of Transportation, for
23 the construction of access roads as authorized by section
24 210 of title 23, United States Code, when projects author-

1 ized therein are certified as important to the national de-
2 fense by the Secretary of Defense.

3 SEC. 104. None of the funds made available in this
4 title may be used to begin construction of new bases in
5 the United States for which specific appropriations have
6 not been made.

7 SEC. 105. None of the funds made available in this
8 title shall be used for purchase of land or land easements
9 in excess of 100 percent of the value as determined by
10 the Army Corps of Engineers or the Naval Facilities Engi-
11 neering Command, except: (1) where there is a determina-
12 tion of value by a Federal court; (2) purchases negotiated
13 by the Attorney General or the designee of the Attorney
14 General; (3) where the estimated value is less than
15 \$25,000; or (4) as otherwise determined by the Secretary
16 of Defense to be in the public interest.

17 SEC. 106. None of the funds made available in this
18 title shall be used to: (1) acquire land; (2) provide for site
19 preparation; or (3) install utilities for any family housing,
20 except housing for which funds have been made available
21 in annual Acts making appropriations for military con-
22 struction.

23 SEC. 107. None of the funds made available in this
24 title for minor construction may be used to transfer or
25 relocate any activity from one base or installation to an-

1 other, without prior notification to the Committees on Ap-
2 propriations of both Houses of Congress.

3 SEC. 108. None of the funds made available in this
4 title may be used for the procurement of steel for any con-
5 struction project or activity for which American steel pro-
6 ducers, fabricators, and manufacturers have been denied
7 the opportunity to compete for such steel procurement.

8 SEC. 109. None of the funds available to the Depart-
9 ment of Defense for military construction or family hous-
10 ing during the current fiscal year may be used to pay real
11 property taxes in any foreign nation.

12 SEC. 110. None of the funds made available in this
13 title may be used to initiate a new installation overseas
14 without prior notification to the Committees on Appro-
15 priations of both Houses of Congress.

16 SEC. 111. None of the funds made available in this
17 title may be obligated for architect and engineer contracts
18 estimated by the Government to exceed \$500,000 for
19 projects to be accomplished in Japan, in any North Atlan-
20 tic Treaty Organization member country, or in countries
21 bordering the Arabian Sea, unless such contracts are
22 awarded to United States firms or United States firms
23 in joint venture with host nation firms.

24 SEC. 112. None of the funds made available in this
25 title for military construction in the United States terri-

1 tories and possessions in the Pacific and on Kwajalein
2 Atoll, or in countries bordering the Arabian Sea, may be
3 used to award any contract estimated by the Government
4 to exceed \$1,000,000 to a foreign contractor: *Provided*,
5 That this section shall not be applicable to contract
6 awards for which the lowest responsive and responsible bid
7 of a United States contractor exceeds the lowest respon-
8 sive and responsible bid of a foreign contractor by greater
9 than 20 percent: *Provided further*, That this section shall
10 not apply to contract awards for military construction on
11 Kwajalein Atoll for which the lowest responsive and re-
12 sponsible bid is submitted by a Marshallese contractor.

13 SEC. 113. The Secretary of Defense is to inform the
14 appropriate committees of both Houses of Congress, in-
15 cluding the Committees on Appropriations, of the plans
16 and scope of any proposed military exercise involving
17 United States personnel 30 days prior to its occurring,
18 if amounts expended for construction, either temporary or
19 permanent, are anticipated to exceed \$100,000.

20 SEC. 114. Not more than 20 percent of the funds
21 made available in this title which are limited for obligation
22 during the current fiscal year shall be obligated during
23 the last two months of the fiscal year.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 115. Funds appropriated to the Department of
3 Defense for construction in prior years shall be available
4 for construction authorized for each such military depart-
5 ment by the authorizations enacted into law during the
6 current session of Congress.

7 SEC. 116. For military construction or family housing
8 projects that are being completed with funds otherwise ex-
9 pired or lapsed for obligation, expired or lapsed funds may
10 be used to pay the cost of associated supervision, inspec-
11 tion, overhead, engineering and design on those projects
12 and on subsequent claims, if any.

13 SEC. 117. Notwithstanding any other provision of
14 law, any funds made available to a military department
15 or defense agency for the construction of military projects
16 may be obligated for a military construction project or
17 contract, or for any portion of such a project or contract,
18 at any time before the end of the fourth fiscal year after
19 the fiscal year for which funds for such project were made
20 available, if the funds obligated for such project: (1) are
21 obligated from funds available for military construction
22 projects; and (2) do not exceed the amount appropriated
23 for such project, plus any amount by which the cost of
24 such project is increased pursuant to law.

1 SEC. 118. (a) The Secretary of Defense, in consulta-
2 tion with the Secretary of State, shall submit to the Com-
3 mittees on Appropriations of both Houses of Congress, by
4 February 15 of each year, an annual report, in unclassi-
5 fied and, if necessary classified form, on actions taken by
6 the Department of Defense and the Department of State
7 during the previous fiscal year to encourage host countries
8 to assume a greater share of the common defense burden
9 of such countries and the United States.

10 (b) The report under subsection (a) shall include a
11 description of—

12 (1) attempts to secure cash and in-kind con-
13 tributions from host countries for military construc-
14 tion projects;

15 (2) attempts to achieve economic incentives of-
16 fered by host countries to encourage private invest-
17 ment for the benefit of the United States Armed
18 Forces;

19 (3) attempts to recover funds due to be paid to
20 the United States by host countries for assets deed-
21 ed or otherwise imparted to host countries upon the
22 cessation of United States operations at military in-
23 stallations;

1 (4) the amount spent by host countries on de-
2 fense, in dollars and in terms of the percent of gross
3 domestic product (GDP) of the host country; and

4 (5) for host countries that are members of the
5 North Atlantic Treaty Organization (NATO), the
6 amount contributed to NATO by host countries, in
7 dollars and in terms of the percent of the total
8 NATO budget.

9 (c) In this section, the term “host country” means
10 other member countries of NATO, Japan, South Korea,
11 and United States allies bordering the Arabian Sea.

12 (INCLUDING TRANSFER OF FUNDS)

13 SEC. 119. In addition to any other transfer authority
14 available to the Department of Defense, proceeds depos-
15 ited to the Department of Defense Base Closure Account
16 established by section 207(a)(1) of the Defense Authoriza-
17 tion Amendments and Base Closure and Realignment Act
18 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
19 of such Act, may be transferred to the account established
20 by section 2906(a)(1) of the Defense Base Closure and
21 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
22 merged with, and to be available for the same purposes
23 and the same time period as that account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 120. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883, of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in “Family Housing” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in “Military Construction” accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means

1 of acquiring and improving military family housing, mili-
2 tary unaccompanied housing, and supporting facilities.

3 SEC. 121. (a) Not later than 60 days before issuing
4 any solicitation for a contract with the private sector for
5 military family housing the Secretary of the military de-
6 partment concerned shall submit to the Committees on
7 Appropriations of both Houses of Congress the notice de-
8 scribed in subsection (b).

9 (b)(1) A notice referred to in subsection (a) is a no-
10 tice of any guarantee (including the making of mortgage
11 or rental payments) proposed to be made by the Secretary
12 to the private party under the contract involved in the
13 event of—

14 (A) the closure or realignment of the installa-
15 tion for which housing is provided under the con-
16 tract;

17 (B) a reduction in force of units stationed at
18 such installation; or

19 (C) the extended deployment overseas of units
20 stationed at such installation.

21 (2) Each notice under this subsection shall specify
22 the nature of the guarantee involved and assess the extent
23 and likelihood, if any, of the liability of the Federal Gov-
24 ernment with respect to the guarantee.

(INCLUDING TRANSFER OF FUNDS)

SEC. 122. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the accounts established by sections 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 123. Notwithstanding this or any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: *Provided*, That not more than \$35,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that

1 could not be reasonably anticipated at the time of the
2 budget submission: *Provided further*, That the Under Sec-
3 retary of Defense (Comptroller) is to report annually to
4 the Committees on Appropriations of both Houses of Con-
5 gress all operation and maintenance expenditures for each
6 individual general or flag officer quarters for the prior fis-
7 cal year.

8 SEC. 124. Amounts contained in the Ford Island Im-
9 provement Account established by subsection (h) of sec-
10 tion 2814 of title 10, United States Code, are appro-
11 priated and shall be available until expended for the pur-
12 poses specified in subsection (i)(1) of such section or until
13 transferred pursuant to subsection (i)(3) of such section.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 125. None of the funds made available in this
16 title, or in any Act making appropriations for military con-
17 struction which remain available for obligation, may be ob-
18 ligated or expended to carry out a military construction,
19 land acquisition, or family housing project at or for a mili-
20 tary installation approved for closure, or at a military in-
21 stallation for the purposes of supporting a function that
22 has been approved for realignment to another installation,
23 in 2005 under the Defense Base Closure and Realignment
24 Act of 1990 (part A of title XXIX of Public Law 101–
25 510; 10 U.S.C. 2687 note), unless such a project at a mili-

1 tary installation approved for realignment will support a
2 continuing mission or function at that installation or a
3 new mission or function that is planned for that installa-
4 tion, or unless the Secretary of Defense certifies that the
5 cost to the United States of carrying out such project
6 would be less than the cost to the United States of cancel-
7 ling such project, or if the project is at an active compo-
8 nent base that shall be established as an enclave or in the
9 case of projects having multi-agency use, that another
10 Government agency has indicated it will assume ownership
11 of the completed project. The Secretary of Defense may
12 not transfer funds made available as a result of this limi-
13 tation from any military construction project, land acquisi-
14 tion, or family housing project to another account or use
15 such funds for another purpose or project without the
16 prior approval of the Committees on Appropriations of
17 both Houses of Congress. This section shall not apply to
18 military construction projects, land acquisition, or family
19 housing projects for which the project is vital to the na-
20 tional security or the protection of health, safety, or envi-
21 ronmental quality: *Provided*, That the Secretary of De-
22 fense shall notify the congressional defense committees
23 within seven days of a decision to carry out such a military
24 construction project.

(INCLUDING TRANSFER OF FUNDS)

1 SEC. 126. During the 5-year period after appropria-
2 tions available in this Act to the Department of Defense
3 for military construction and family housing operation and
4 maintenance and construction have expired for obligation,
5 upon a determination that such appropriations will not be
6 necessary for the liquidation of obligations or for making
7 authorized adjustments to such appropriations for obliga-
8 tions incurred during the period of availability of such ap-
9 propriations, unobligated balances of such appropriations
10 may be transferred into the appropriation “Foreign Cur-
11 rency Fluctuations, Construction, Defense”, to be merged
12 with and to be available for the same time period and for
13 the same purposes as the appropriation to which trans-
14 ferred.
15

16 SEC. 127. None of the funds appropriated or other-
17 wise made available in this title may be used for any action
18 that is related to or promotes the expansion of the bound-
19 aries or size of the Pinon Canyon Maneuver Site, Colo-
20 rado.

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$43,111,681,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$26,798,000 of the amount ap-
23 propriated under this heading shall be reimbursed to
24 "General operating expenses", "Medical support and com-
25 pliance", and "Information technology systems" for nec-

10

21

22

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1 authorized by title 38, United States Code, chapters 19
2 and 21, \$42,300,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM
4 ACCOUNT

5 For the cost of direct and guaranteed loans, such
6 sums as may be necessary to carry out the program, as
7 authorized by subchapters I through III of chapter 37 of
8 title 38, United States Code: *Provided*, That such costs,
9 including the cost of modifying such loans, shall be as de-
10 fined in section 502 of the Congressional Budget Act of
11 1974: *Provided further*, That during fiscal year 2009,
12 within the resources available, not to exceed \$500,000 in
13 gross obligations for direct loans are authorized for spe-
14 cially adapted housing loans.

15 In addition, for administrative expenses to carry out
16 the direct and guaranteed loan programs, \$157,210,000.

17 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT
18 (INCLUDING TRANSFER OF FUNDS)

19 For the cost of direct loans, \$61,000, as authorized
20 by chapter 31 of title 38, United States Code: *Provided*,
21 That such costs, including the cost of modifying such
22 loans, shall be as defined in section 502 of the Congres-
23 sional Budget Act of 1974: *Provided further*, That funds
24 made available under this heading are available to sub-

1 sidize gross obligations for the principal amount of direct
 2 loans not to exceed \$3,180,000.

3 In addition, for administrative expenses necessary to
 4 carry out the direct loan program, \$320,000, which may
 5 be transferred to and merged with the appropriation for
 6 “General operating expenses”.

7 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM
 8 ACCOUNT

9 For administrative expenses to carry out the direct
 10 loan program authorized by subchapter V of chapter 37
 11 of title 38, United States Code, \$646,000.

12 GUARANTEED TRANSITIONAL HOUSING LOANS FOR
 13 HOMELESS VETERANS PROGRAM ACCOUNT

14 For the administrative expenses to carry out the
 15 guaranteed transitional housing loan program authorized
 16 by subchapter VI of chapter 20 of title 38, United States
 17 Code, not to exceed \$750,000 of the amounts appropriated
 18 by this Act for “General operating expenses” and “Med-
 19 ical support and compliance” may be expended.

20 VETERANS HEALTH ADMINISTRATION
 21 MEDICAL SERVICES

22 (INCLUDING TRANSFER OF FUNDS)

23 For necessary expenses for furnishing, as authorized
 24 by law, inpatient and outpatient care and treatment to
 25 beneficiaries of the Department of Veterans Affairs and

1 veterans described in section 1705(a) of title 38, United
2 States Code, including care and treatment in facilities not
3 under the jurisdiction of the Department, and including
4 medical supplies and equipment, food services, and sala-
5 ries and expenses of health-care employees hired under
6 title 38, United States Code, and aid to State homes as
7 authorized by section 1741 of title 38, United States Code;
8 \$30,854,270,000, plus reimbursements, of which not less
9 than \$3,800,000,000 shall be expended for specialty men-
10 tal health care: *Provided*, That of the funds made available
11 under this heading, not to exceed \$1,350,000,000 shall be
12 available until September 30, 2010: *Provided further*,
13 That, notwithstanding any other provision of law, the Sec-
14 retary of Veterans Affairs shall establish a priority for the
15 provision of medical treatment for veterans who have serv-
16 ice-connected disabilities, lower income, or have special
17 needs: *Provided further*, That, notwithstanding any other
18 provision of law, the Secretary of Veterans Affairs shall
19 give priority funding for the provision of basic medical
20 benefits to veterans in enrollment priority groups 1
21 through 6: *Provided further*, That, notwithstanding any
22 other provision of law, the Secretary of Veterans Affairs
23 may authorize the dispensing of prescription drugs from
24 Veterans Health Administration facilities to enrolled vet-
25 erans with privately written prescriptions based on re-

1 quirements established by the Secretary: *Provided further*,
 2 That the implementation of the program described in the
 3 previous proviso shall incur no additional cost to the De-
 4 partment of Veterans Affairs: *Provided further*, That for
 5 the Department of Defense/Department of Veterans Af-
 6 fairs Health Care Sharing Incentive Fund, as authorized
 7 by section 8111(d) of title 38, United States Code, a min-
 8 imum of \$15,000,000, to remain available until expended,
 9 for any purpose authorized by section 8111 of title 38,
 10 United States Code.

11 MEDICAL SUPPORT AND COMPLIANCE

12 For necessary expenses in the administration of the
 13 medical, hospital, nursing home, domiciliary, construction,
 14 supply, and research activities, as authorized by law; ad-
 15 ministrative expenses in support of capital policy activi-
 16 ties; and administrative and legal expenses of the Depart-
 17 ment for collecting and recovering amounts owed the De-
 18 partment as authorized under chapter 17 of title 38,
 19 United States Code, and the Federal Medical Care Recov-
 20 ery Act (42 U.S.C. 2651 et seq.): \$4,400,000,000, plus
 21 reimbursements, of which \$250,000,000 shall be available
 22 until September 30, 2010.

23 MEDICAL FACILITIES

24 For necessary expenses for the maintenance and op-
 25 eration of hospitals, nursing homes, and domiciliary facili-

1 ties and other necessary facilities of the Veterans Health
2 Administration; for administrative expenses in support of
3 planning, design, project management, real property ac-
4 quisition and disposition, construction, and renovation of
5 any facility under the jurisdiction or for the use of the
6 Department; for oversight, engineering, and architectural
7 activities not charged to project costs; for repairing, alter-
8 ing, improving, or providing facilities in the several hos-
9 pitals and homes under the jurisdiction of the Depart-
10 ment, not otherwise provided for, either by contract or by
11 the hire of temporary employees and purchase of mate-
12 rials; for leases of facilities; and for laundry services,
13 \$5,029,000,000, plus reimbursements, of which
14 \$350,000,000 shall be available until September 30, 2010:
15 *Provided*, That \$300,000,000 for non-recurring mainte-
16 nance provided under this heading shall be allocated in
17 a manner not subject to the Veterans Equitable Resource
18 Allocation.

19 MEDICAL AND PROSTHETIC RESEARCH

20 For necessary expenses in carrying out programs of
21 medical and prosthetic research and development as au-
22 thorized by chapter 73 of title 38, United States Code,
23 \$500,000,000, plus reimbursements, to remain available
24 until September 30, 2010.

1 NATIONAL CEMETERY ADMINISTRATION

2 For necessary expenses of the National Cemetery Ad-
3 ministration for operations and maintenance, not other-
4 wise provided for, including uniforms or allowances there-
5 for; cemeterial expenses as authorized by law; purchase
6 of one passenger motor vehicle for use in cemeterial oper-
7 ations; hire of passenger motor vehicles; and repair, alter-
8 ation or improvement of facilities under the jurisdiction
9 of the Department, \$240,000,000, of which not to exceed
10 \$20,000,000 shall be available until September 30, 2010.

11 DEPARTMENTAL ADMINISTRATION

12 GENERAL OPERATING EXPENSES

13 For necessary operating expenses of the Department
14 of Veterans Affairs, not otherwise provided for, including
15 administrative expenses in support of Department-Wide
16 capital planning, management and policy activities, uni-
17 forms, or allowances therefor; not to exceed \$25,000 for
18 official reception and representation expenses; hire of pas-
19 senger motor vehicles; and reimbursement of the General
20 Services Administration for security guard services, and
21 the Department of Defense for the cost of overseas em-
22 ployee mail, \$1,801,867,000: *Provided*, That expenses for
23 services and assistance authorized under paragraphs (1),
24 (2), (5), and (11) of section 3104(a) of title 38, United
25 States Code, that the Secretary of Veterans Affairs deter-

1 mines are necessary to enable entitled veterans: (1) to the
2 maximum extent feasible, to become employable and to ob-
3 tain and maintain suitable employment; or (2) to achieve
4 maximum independence in daily living, shall be charged
5 to this account: *Provided further*, That the Veterans Bene-
6 fits Administration shall be funded at not less than
7 \$1,473,753,000: *Provided further*, That of the funds made
8 available under this heading, not to exceed \$75,000,000
9 shall be available for obligation until September 30, 2010:
10 *Provided further*, That from the funds made available
11 under this heading, the Veterans Benefits Administration
12 may purchase (on a one-for-one replacement basis only)
13 up to two passenger motor vehicles for use in operations
14 of that Administration in Manila, Philippines.

15 INFORMATION TECHNOLOGY SYSTEMS

16 For necessary expenses for information technology
17 systems and telecommunications support, including devel-
18 opmental information systems and operational information
19 systems; including pay and associated cost; for the capital
20 asset acquisition of information technology systems, in-
21 cluding management and related contractual costs of said
22 acquisitions, including contractual costs associated with
23 operations authorized by section 3109 of title 5, United
24 States Code, \$2,492,066,000, plus reimbursements, to be
25 available until September 30, 2010: *Provided*, That none

1 of these funds may be obligated until the Department of
2 Veterans Affairs submits to the Committees on Appropria-
3 tions of both Houses of Congress, and such Committees
4 approve, a plan for expenditure that: (1) meets the capital
5 planning and investment control review requirements es-
6 tablished by the Office of Management and Budget; (2)
7 complies with the Department of Veterans Affairs enter-
8 prise architecture; (3) conforms with an established enter-
9 prise life cycle methodology; and (4) complies with the ac-
10 quisition rules, requirements, guidelines, and systems ac-
11 quisition management practices of the Federal Govern-
12 ment: *Provided further*, That within 30 days of enactment
13 of this Act, the Secretary of Veterans Affairs shall submit
14 to the Committees on Appropriations of both Houses of
15 Congress a reprogramming base letter which provides, by
16 project, the costs included in this appropriation.

17 OFFICE OF INSPECTOR GENERAL

18 For necessary expenses of the Office of Inspector
19 General, to include information technology, in carrying out
20 the provisions of the Inspector General Act of 1978 (5
21 U.S.C. App.), \$87,818,000, of which \$5,000,000 shall be
22 available until September 30, 2010.

23 CONSTRUCTION, MAJOR PROJECTS

24 For constructing, altering, extending, and improving
25 any of the facilities, including parking projects, under the

1 jurisdiction or for the use of the Department of Veterans
2 Affairs, or for any of the purposes set forth in sections
3 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
4 and 8122 of title 38, United States Code, including plan-
5 ning, architectural and engineering services, construction
6 management services, maintenance or guarantee period
7 services costs associated with equipment guarantees pro-
8 vided under the project, services of claims analysts, offsite
9 utility and storm drainage system construction costs, and
10 site acquisition, where the estimated cost of a project is
11 more than the amount set forth in section 8104(a)(3)(A)
12 of title 38, United States Code, or where funds for a
13 project were made available in a previous major project
14 appropriation, \$923,382,000, to remain available until ex-
15 pended, of which \$10,000,000 shall be to make reimburse-
16 ments as provided in section 13 of the Contract Disputes
17 Act of 1978 (41 U.S.C. 612) for claims paid for contract
18 disputes: *Provided*, That except for advance planning ac-
19 tivities, including needs assessments which may or may
20 not lead to capital investments, and other capital asset
21 management related activities, including portfolio develop-
22 ment and management activities, and investment strategy
23 studies funded through the advance planning fund and the
24 planning and design activities funded through the design
25 fund, including needs assessments which may or may not

1 lead to capital investments, and funds provided for the
2 purchase of land for the National Cemetery Administra-
3 tion through the land acquisition line item, none of the
4 funds appropriated under this heading shall be used for
5 any project which has not been approved by the Congress
6 in the budgetary process: *Provided further*, That funds
7 provided in this appropriation for fiscal year 2009, for
8 each approved project shall be obligated: (1) by the award-
9 ing of a construction documents contract by September
10 30, 2009; and (2) by the awarding of a construction con-
11 tract by September 30, 2010: *Provided further*, That the
12 Secretary of Veterans Affairs shall promptly submit to the
13 Committees on Appropriations of both Houses of Congress
14 a written report on any approved major construction
15 project for which obligations are not incurred within the
16 time limitations established above: *Provided further*, That
17 none of the funds appropriated in this or any other Act
18 may be used to reduce the mission, services, or infrastruc-
19 ture, including land, of the 18 facilities on the Capital
20 Asset Realignment for Enhanced Services (CARES) list
21 requiring further study, as specified by the Secretary of
22 Veterans Affairs, without prior approval of the Commit-
23 tees on Appropriations of both Houses of Congress: *Pro-*
24 *vided further*, That of the amount appropriated in this
25 paragraph, \$798,852,000 shall be for the site specific

1 projects, and in the amounts, specified under this heading
2 in the report of the Committee on Appropriations of the
3 House of Representatives to accompany this bill.

4 CONSTRUCTION, MINOR PROJECTS

5 For constructing, altering, extending, and improving
6 any of the facilities, including parking projects, under the
7 jurisdiction or for the use of the Department of Veterans
8 Affairs, including planning and assessments of needs
9 which may lead to capital investments, architectural and
10 engineering services, maintenance or guarantee period
11 services costs associated with equipment guarantees pro-
12 vided under the project, services of claims analysts, offsite
13 utility and storm drainage system construction costs, and
14 site acquisition, or for any of the purposes set forth in
15 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
16 8110, 8122, and 8162 of title 38, United States Code,
17 where the estimated cost of a project is equal to or less
18 than the amount set forth in section 8104(a)(3)(A) of title
19 38, United States Code, \$991,492,000, to remain avail-
20 able until expended, along with unobligated balances of
21 previous “Construction, minor projects” appropriations
22 which are hereby made available for any project where the
23 estimated cost is equal to or less than the amount set forth
24 in such section: *Provided*, That funds in this account shall
25 be available for: (1) repairs to any of the nonmedical facili-

1 ties under the jurisdiction or for the use of the Depart-
2 ment which are necessary because of loss or damage
3 caused by any natural disaster or catastrophe; and (2)
4 temporary measures necessary to prevent or to minimize
5 further loss by such causes: *Provided further:* That
6 \$7,000,000 of the amount appropriated in this paragraph
7 shall be for the installation of alternative fueling stations
8 at 35 medical facility campuses.

9 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
10 FACILITIES

11 For grants to assist States to acquire or construct
12 State nursing home and domiciliary facilities and to re-
13 model, modify, or alter existing hospital, nursing home,
14 and domiciliary facilities in State homes, for furnishing
15 care to veterans as authorized by sections 8131 through
16 8137 of title 38, United States Code, \$165,000,000, to
17 remain available until expended.

18 GRANTS FOR CONSTRUCTION OF STATE VETERANS
19 CEMETERIES

20 For grants to assist States in establishing, expand-
21 ing, or improving State veterans cemeteries as authorized
22 by section 2408 of title 38, United States Code,
23 \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2009 for “Compensation and pensions”, “Readjustment benefits”, and “Veterans insurance and indemnities” may be transferred as necessary to any other of the mentioned appropriations: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for fiscal year 2009, in this Act or any other Act, under the “Medical services”, “Medical support and compliance”, and “Medical facilities” accounts may be transferred among the accounts to the extent necessary to implement the restructuring of the Veterans Health Administration accounts: *Provided*, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services au-

1 thorized by section 3109 of title 5, United States Code,
2 hire of passenger motor vehicles; lease of a facility or land
3 or both; and uniforms or allowances therefore, as author-
4 ized by sections 5901 through 5902 of title 5, United
5 States Code.

6 SEC. 204. No appropriations in this title (except the
7 appropriations for “Construction, major projects”, and
8 “Construction, minor projects”) shall be available for the
9 purchase of any site for or toward the construction of any
10 new hospital or home.

11 SEC. 205. No appropriations in this title shall be
12 available for hospitalization or examination of any persons
13 (except beneficiaries entitled to such hospitalization or ex-
14 amination under the laws providing such benefits to vet-
15 erans, and persons receiving such treatment under sec-
16 tions 7901 through 7904 of title 5, United States Code,
17 or the Robert T. Stafford Disaster Relief and Emergency
18 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
19 bursement of the cost of such hospitalization or examina-
20 tion is made to the “Medical services” account at such
21 rates as may be fixed by the Secretary of Veterans Affairs.

22 SEC. 206. Appropriations available in this title for
23 “Compensation and pensions”, “Readjustment benefits”,
24 and “Veterans insurance and indemnities” shall be avail-
25 able for payment of prior year accrued obligations re-

1 quired to be recorded by law against the corresponding
2 prior year accounts within the last quarter of fiscal year
3 2008.

4 SEC. 207. Appropriations available in this title shall
5 be available to pay prior year obligations of corresponding
6 prior year appropriations accounts resulting from sections
7 3328(a), 3334, and 3712(a) of title 31, United States
8 Code, except that if such obligations are from trust fund
9 accounts they shall be payable only from “Compensation
10 and pensions”.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 208. Notwithstanding any other provision of
13 law, during fiscal year 2009, the Secretary of Veterans
14 Affairs shall, from the National Service Life Insurance
15 Fund (38 U.S.C. 1920), the Veterans’ Special Life Insur-
16 ance Fund (38 U.S.C. 1923), and the United States Gov-
17 ernment Life Insurance Fund (38 U.S.C. 1955), reim-
18 burse the “General operating expenses” and “Information
19 technology systems” account for the cost of administration
20 of the insurance programs financed through those ac-
21 counts: *Provided*, That reimbursement shall be made only
22 from the surplus earnings accumulated in such an insur-
23 ance program during fiscal year 2009 that are available
24 for dividends in that program after claims have been paid
25 and actuarially determined reserves have been set aside:

1 *Provided further*, That if the cost of administration of such
2 an insurance program exceeds the amount of surplus earn-
3 ings accumulated in that program, reimbursement shall be
4 made only to the extent of such surplus earnings: *Provided*
5 *further*, That the Secretary shall determine the cost of ad-
6 ministration for fiscal year 2009 which is properly allo-
7 cable to the provision of each such insurance program and
8 to the provision of any total disability income insurance
9 included in that insurance program.

10 SEC. 209. Amounts deducted from enhanced-use
11 lease proceeds to reimburse an account for expenses in-
12 curred by that account during a prior fiscal year for pro-
13 viding enhanced-use lease services, may be obligated dur-
14 ing the fiscal year in which the proceeds are received.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 210. Funds available in this title or funds for
17 salaries and other administrative expenses shall also be
18 available to reimburse the Office of Resolution Manage-
19 ment of the Department of Veterans Affairs and the Of-
20 fice of Employment Discrimination Complaint Adjudica-
21 tion under section 319 of title 38, United States Code,
22 for all services provided at rates which will recover actual
23 costs but not exceed \$34,158,000 for the Office of Resolu-
24 tion Management and \$3,278,000 for the Office of Em-
25 ployment and Discrimination Complaint Adjudication:

1 *Provided*, That payments may be made in advance for
2 services to be furnished based on estimated costs: *Provided*
3 *further*, That amounts received shall be credited to “Gen-
4 eral operating expenses” and “Information technology sys-
5 tems” for use by the office that provided the service.

6 SEC. 211. No appropriations in this title shall be
7 available to enter into any new lease of real property if
8 the estimated annual rental is more than \$300,000 unless
9 the Secretary submits a report which the Committees on
10 Appropriations of both Houses of Congress approve within
11 30 days following the date on which the report is received.

12 SEC. 212. No funds of the Department of Veterans
13 Affairs shall be available for hospital care, nursing home
14 care, or medical services provided to any person under
15 chapter 17 of title 38, United States Code, for a non-serv-
16 ice-connected disability described in section 1729(a)(2) of
17 such title, unless that person has disclosed to the Sec-
18 retary of Veterans Affairs, in such form as the Secretary
19 may require, current, accurate third-party reimbursement
20 information for purposes of section 1729 of such title: *Pro-*
21 *vided*, That the Secretary may recover, in the same man-
22 ner as any other debt due the United States, the reason-
23 able charges for such care or services from any person who
24 does not make such disclosure as required: *Provided fur-*
25 *ther*, That any amounts so recovered for care or services

1 provided in a prior fiscal year may be obligated by the
2 Secretary during the fiscal year in which amounts are re-
3 ceived.

4 (INCLUDING TRANSFER OF FUNDS)

5 SEC. 213. Notwithstanding any other provision of
6 law, at the discretion of the Secretary of Veterans Affairs,
7 proceeds or revenues derived from enhanced-use leasing
8 activities (including disposal) may be deposited into the
9 “Construction, major projects” and “Construction, minor
10 projects” accounts and be used for construction (including
11 site acquisition and disposition), alterations, and improve-
12 ments of any medical facility under the jurisdiction or for
13 the use of the Department of Veterans Affairs. Such sums
14 as realized are in addition to the amount provided for in
15 “Construction, major projects” and “Construction, minor
16 projects”.

17 SEC. 214. Amounts made available under “Medical
18 services” are available—

19 (1) for furnishing recreational facilities, sup-
20 plies, and equipment; and

21 (2) for funeral expenses, burial expenses, and
22 other expenses incidental to funerals and burials for
23 beneficiaries receiving care in the Department.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 215. Such sums as may be deposited to the
3 Medical Care Collections Fund pursuant to section 1729A
4 of title 38, United States Code, may be transferred to
5 “Medical services”, to remain available until expended for
6 the purposes of that account.

7 SEC. 216. Notwithstanding any other provision of
8 law, the Secretary of Veterans Affairs shall allow veterans
9 who are eligible under existing Department of Veterans
10 Affairs medical care requirements and who reside in Alas-
11 ka to obtain medical care services from medical facilities
12 supported by the Indian Health Service or tribal organiza-
13 tions. The Secretary shall: (1) limit the application of this
14 provision to rural Alaskan veterans in areas where an ex-
15 isting Department of Veterans Affairs facility or Veterans
16 Affairs-contracted service is unavailable; (2) require par-
17 ticipating veterans and facilities to comply with all appro-
18 priate rules and regulations, as established by the Sec-
19 retary; (3) require this provision to be consistent with
20 Capital Asset Realignment for Enhanced Services activi-
21 ties; and (4) result in no additional cost to the Department
22 of Veterans Affairs or the Indian Health Service.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 217. Such sums as may be deposited to the De-
25 partment of Veterans Affairs Capital Asset Fund pursu-

1 ant to section 8118 of title 38, United States Code, may
2 be transferred to the “Construction, major projects” and
3 “Construction, minor projects” accounts, to remain avail-
4 able until expended for the purposes of these accounts.

5 SEC. 218. None of the funds available to the Depart-
6 ment of Veterans Affairs, in this Act, or any other Act,
7 may be used to replace the current system by which the
8 Veterans Integrated Services Networks select and contract
9 for diabetes monitoring supplies and equipment.

10 SEC. 219. None of the funds made available in this
11 title may be used to implement any policy prohibiting the
12 Directors of the Veterans Integrated Services Networks
13 from conducting outreach or marketing to enroll new vet-
14 erans within their respective Networks.

15 SEC. 220. The Secretary of Veterans Affairs shall
16 submit to the Committees on Appropriations of both
17 Houses of Congress a quarterly report on the financial
18 status of the Veterans Health Administration.

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 221. Amounts made available under the “Med-
21 ical services”, “Medical support and compliance”, “Med-
22 ical facilities”, “General operating expenses”, and “Na-
23 tional Cemetery Administration” accounts for fiscal year
24 2009, may be transferred to or from the “Information
25 technology systems” account: *Provided*, That before a

1 transfer may take place, the Secretary of Veterans Affairs
2 shall request from the Committees on Appropriations of
3 both Houses of Congress the authority to make the trans-
4 fer and an approval is issued.

5 SEC. 222. Amounts made available for the “Informa-
6 tion technology systems” account may be transferred be-
7 tween projects: *Provided*, That no project may be in-
8 creased or decreased by more than \$1,000,000 of cost
9 prior to submitting a request to the Committees on Appro-
10 priations of both Houses of Congress to make the transfer
11 and an approval is issued, or absent a response, a period
12 of 30 days has elapsed.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 223. Any balances in prior year accounts estab-
15 lished for the payment of benefits under the Reinstated
16 Entitlement Program for Survivors shall be transferred to
17 and merged with amounts available under the “Compensa-
18 tion and pensions” account, and, hereinafter, receipts that
19 would otherwise be credited to the accounts established for
20 the payment of benefits under the Reinstated Entitlement
21 Program for Survivors program shall be credited to
22 amounts available under the “Compensation and pen-
23 sions” account.

1 SEC. 224. Section 1710(f)(2)(B) of title 38, United
2 States Code, is amended by striking “September 30,
3 2008,” and inserting “September 30, 2009,”.

4 SEC. 225. Section 1729(a)(2)(E) of title 38, United
5 States Code, is amended by striking “October 1, 2008,”
6 and inserting “October 1, 2009,”.

7 TITLE III

8 RELATED AGENCIES

9 AMERICAN BATTLE MONUMENTS COMMISSION

10 SALARIES AND EXPENSES

11 For necessary expenses, not otherwise provided for,
12 of the American Battle Monuments Commission, including
13 the acquisition of land or interest in land in foreign coun-
14 tries; purchases and repair of uniforms for caretakers of
15 national cemeteries and monuments outside of the United
16 States and its territories and possessions; rent of office
17 and garage space in foreign countries; purchase (one-for-
18 one replacement basis only) and hire of passenger motor
19 vehicles; not to exceed \$7,500 for official reception and
20 representation expenses; and insurance of official motor
21 vehicles in foreign countries, when required by law of such
22 countries, \$55,470,000, to remain available until ex-
23 pended.

1 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

2 For necessary expenses, not otherwise provided for,
 3 of the American Battle Monuments Commission, such
 4 sums as may be necessary, to remain available until ex-
 5 pended, for purposes authorized by section 2109 of title
 6 36, United States Code.

7 UNITED STATES COURT OF APPEALS FOR VETERANS

8 CLAIMS

9 SALARIES AND EXPENSES

10 For necessary expenses for the operation of the
 11 United States Court of Appeals for Veterans Claims as
 12 authorized by sections 7251 through 7298 of title 38,
 13 United States Code, \$73,975,000, of which \$1,700,000
 14 shall be available for the purpose of providing financial
 15 assistance as described, and in accordance with the proc-
 16 ess and reporting procedures set forth, under this heading
 17 in Public Law 102–229.

18 DEPARTMENT OF DEFENSE—CIVIL

19 CEMETERIAL EXPENSES

20 SALARIES AND EXPENSES

21 For necessary expenses, as authorized by law, for
 22 maintenance, operation, and improvement of Arlington
 23 National Cemetery and Soldiers' and Airmen's Home Na-
 24 tional Cemetery, including the purchase of two passenger
 25 motor vehicles for replacement only, and not to exceed

1 \$1,000 for official reception and representation expenses,
2 \$31,230,000, to remain available until expended. In addi-
3 tion, such sums as may be necessary for parking mainte-
4 nance, repairs and replacement, to be derived from the
5 Lease of Department of Defense Real Property for De-
6 fense Agencies account.

7 Funds appropriated under this Act may be provided
8 to Arlington County, Virginia, for the relocation of the
9 federally-owned water main at Arlington National Ceme-
10 tery making additional land available for ground burials.

11 ARMED FORCES RETIREMENT HOME

12 TRUST FUND

13 For expenses necessary for the Armed Forces Retire-
14 ment Home to operate and maintain the Armed Forces
15 Retirement Home—Washington, District of Columbia and
16 the Armed Forces Retirement Home—Gulfport, Mis-
17 sissippi, to be paid from funds available in the Armed
18 Forces Retirement Home Trust Fund, \$63,010,000, of
19 which \$8,025,000 shall remain available until expended
20 for construction and renovation of the physical plants at
21 the Armed Forces Retirement Home—Washington.

1 TITLE IV

2 GENERAL PROVISIONS

3 SEC. 401. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 402. Such sums as may be necessary for fiscal
7 year 2009 for pay raises for programs funded by this Act
8 shall be absorbed within the levels appropriated in this
9 Act.

10 SEC. 403. None of the funds made available in this
11 Act may be used for any program, project, or activity,
12 when it is made known to the Federal entity or official
13 to which the funds are made available that the program,
14 project, or activity is not in compliance with any Federal
15 law relating to risk assessment, the protection of private
16 property rights, or unfunded mandates.

17 SEC. 404. No part of any funds appropriated in this
18 Act shall be used by an agency of the executive branch,
19 other than for normal and recognized executive-legislative
20 relationships, for publicity or propaganda purposes, and
21 for the preparation, distribution, or use of any kit, pam-
22 phlet, booklet, publication, radio, television, or film presen-
23 tation designed to support or defeat legislation pending
24 before Congress, except in presentation to Congress itself.

1 SEC. 405. All departments and agencies funded under
2 this Act are encouraged, within the limits of the existing
3 statutory authorities and funding, to expand their use of
4 “E-Commerce” technologies and procedures in the con-
5 duct of their business practices and public service activi-
6 ties.

7 SEC. 406. None of the funds made available in this
8 Act may be transferred to any department, agency, or in-
9 strumentality of the United States Government except
10 pursuant to a transfer made by, or transfer authority pro-
11 vided in, this or any other appropriations Act.

12 SEC. 407. Unless stated otherwise, all reports and no-
13 tifications required by this Act shall be submitted to the
14 Subcommittee on Military Construction, Veterans Affairs,
15 and Related Agencies of the Committee on Appropriations
16 of the House of Representatives and the Subcommittee on
17 Military Construction, Veterans Affairs, and Related
18 Agencies of the Committee on Appropriations of the Sen-
19 ate.

20 SEC. 408. None of the funds provided by this Act
21 shall be available to enforce section 526 of the Energy
22 Independence and Security Act of 2007 (Public Law 110–
23 140; 42 U.S.C. 17142).

1 SEC. 408. None of the funds made available in this
2 Act may be used to implement section 2703 of Public Law
3 109–234.

4 SEC. 408. None of the funds made available in this
5 Act may be used to carry out section 111(c)(5) of title
6 38, United States Code, during fiscal year 2009.

7 SEC. _____. None of the funds made available in this
8 Act may be used to modify the standards applicable to
9 the determination of the entitlement of veterans to special
10 monthly pensions under sections 1513(a) and 1521(e) of
11 title 38, United States Code, as in effect pursuant to the
12 opinion of the United States Court of Appeals for Vet-
13 erans Claims in the case of *Hartness v. Nicholson* (No. 04-
14 0888, July 21, 2006).

15 SEC. _____. None of the funds made available in this
16 Act may be used to enforce section 3, Policy of VHA Di-
17 rective 2008–25.

18 SEC. 408. None of the funds appropriated or other-
19 wise made available in this Act may be used to take pri-
20 vate property for public use without just compensation.

21 SEC. _____. None of the funds made available
22 in this Act may be used for a project or program named
23 for an individual then serving as a Member, Delegate,
24 Resident Commissioner, or Senator of the United States
25 Congress.

1 This Act may be cited as the “Military Construction
2 and Veterans Affairs Appropriations Act, 2009”.

Passed the House of Representatives August 1,
2008.

Attest:

Clerk.

110TH CONGRESS
2^D SESSION

H. R. 6599

AN ACT

Making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2009, and for other purposes.